GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

STARRED QUESTION NO:245
ANSWERED ON:06.12.2000
INTELLECTUAL PROPERTY RIGHTS IN HEALTH
UMMAREDDY VENKATESWARLU

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government are concerned over the global trade agreement on the health sector in developing countries;

(b) if so, the details thereof;

(c) whether Trade Related Intellectual Property Rights (TRIPR) was highly intrusive and harmful to the health sector in poor countries;

(d) if so, the details thereof;

(e) the extent to which the Government are opposed to the health sector being brought under the purview of the WTO; and

(f) the steps taken/proposed to be taken by the Government in this regard?

Answer

MINISTER OF HEALTH AND FAMILY WELFARE (DR. C.P. THAKUR)

(a)to(f): A statement is laid on the Table of the Lok Sabha.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 245 FOR 6.12.2000

The WTO agreements which have a direct implication on the health sector are - the Trade Related Intellectual Property Rights [TRIPS] General Agreement on Trade in Services [GATS] and to a lesser extent, the Agreement on Technical Barriers to Trade [TBT] and Agreement on Application of Sanitary and Phytosanitary Measures [SPS], which deal with standards.

Of these, the TRIPS agreement provides for minimum standards of Intellectual Property Protection and enforcement, including standards for availability of patents. It gives the freedom to the member countries to determine the appropriate method of implementing its provision within its own legal system and practice. Major obligations in respect of patents for India, including the Health Sector, arose on 01.01.2000. These obligations are proposed to be met through the Patents [Second Amendment] Bill 1999 introduced by Department of Industrial Policy and Promotion in Parliament in December 1999. The Bill is before the Joint Committee of Parliament. As far as the General Agreement on Trade in Services is concerned, India has taken virtually no commitments in the health sector. India has retained the right to impose restriction on health services.